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| TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT | Docket No.: 00825DivJAR |
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In re Application of: Tejdor, et al.

Application No.: 10/663,872

Filed: 09/16/2003

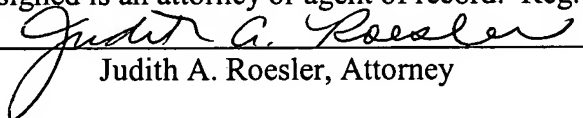
For: A REAGENT AND KIT FOR DETERMINING GLOBAL COAGULABILITY
AND HEMOSTATIC POTENTIAL

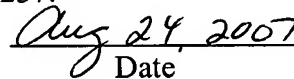
The owner, bioMerieux, Inc., of one-hundred percent (100%) interest in the instant application hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent, U.S. Patent No. 6645768, as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that is and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction
- is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321;
- has all claims canceled by a reexamination;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record. Reg. No. 34,237.


Judith A. Roesler, Attorney

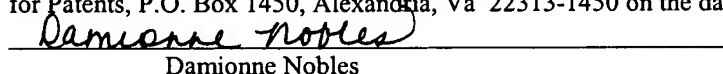

Date

Terminal Disclaimer Fee under 37 CFR 1.20(d) included by authorization to charge fee associated therewith to **Deposit Account No. 50-0364.**

CERTIFICATE OF MAILING

Deposited: August 24, 2007

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Va 22313-1450 on the date indicated above.


Damionne Nobles


Date

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